

ORIGINAL

BEFORE THE
Federal Communications Commission
 WASHINGTON, DC 20554

In the Matter of)
)
 Implementation of the)
 Telecommunications Act of 1996) CC Docket No. 96-115
)
 Telecommunications Carriers' Use of)
 Customer Proprietary Network Information)
 and Other Customer Information)

RECEIVED

MAY 13 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**REPLY COMMENTS OF
 DOBSON CELLULAR SYSTEMS, INC.**

Dobson Cellular Systems, Inc. ("Dobson" or the "Company"), hereby submits reply comments in the above-referenced proceeding.¹ The Commission requested comment on petitions filed by the Cellular Telecommunications Industry Association ("CTIA") and GTE Service Corporation, both of which raise issues of direct importance to the Dobson.² Dobson supports CTIA's and the numerous commenting parties' request that the Commission defer the effective date of new Sections 64.2005(b)(1) and (b)(3) of the Commission's rules to enable the Commission to assess upcoming petitions for reconsideration and/or forbearance of these rules. Dobson also

¹ Dobson Cellular Systems, Inc. is a Cellular Radiotelephone Service provider in the states of Arizona, Kansas, Maryland, Missouri, Oklahoma, Pennsylvania and Texas, and is the licensee of nine "F" Block broadband PCS licenses. Affiliate Logix Communications, Inc. provides resold CLEC, long distance and wireless service in Oklahoma City and intends to provide similar service in other markets.

² See Public Notice, *Pleading Cycle Established for Comments on Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Information Request for Deferral and Clarification*, CC Docket No. 96-115, DA 98-36 (released May 1, 1998).

0+12

supports GTE's request that the Commission temporarily forbear from enforcing the CPNI rules with respect to packaged service offerings.

Dobson aggressively markets its wireless services in local markets, offering services such as call forwarding, call waiting, three-way conference calling, voice message storage and retrieval and no-answer transfer. Dobson, like virtually all other CMRS carriers, also sells cellular equipment at often discounted prices as a means of attracting customers. The Company's sales force conducts an after-sale telemarketing program which provides important and related competitive and customer service functions. This program reduces the Company's churn rate, enhances customer loyalty; allows sales staff to monitor customer satisfaction; and enables the Company to offer additional calling features. Dobson also intends to upgrade its cellular systems to digital technology to enable it to increase roaming (by means of dual-mode phones) and provide enhanced capabilities. These ongoing customer services, and the freedom to upgrade the quality of service provided to its customers, are critical in enabling the Company to compete with its larger competitors.

Dobson's affiliate Logix also began reselling competitive local exchange and long distance services in Oklahoma City in October 1997, and intends to offer these services in other markets in the future. Logix — and many other telecommunications carriers nationwide — intend to offer a full-service portfolio of local, long distance and wireless services in order to gain market share and reduce customer churn. Such

packaged service offerings offer a competitive alternative to incumbent LEC and other service providers.³

The Commission's rules would heavy-handedly undermine some of the Company's important means of competing with its larger competitors. Section 64.2005(b)(1) would prohibit Dobson from using, disclosing, or permitting access to CPNI derived from its provision of local, IXC, or CMRS service for the provision of CPE and various information services without prior customer approval. Section 64.2005(b)(3) similarly prohibits Dobson from using, disclosing, or permitting access to a former customer's CPNI to regain the business of a customer who has switched to another service provider. The Commission's rules will effectively prohibit or restrict these pro-competitive, and pro-consumer marketing and customer service activities which Dobson has engaged in since commencing service. Thus, these rules have far-reaching implications for the Company.

Dobson agrees with petitioners and commenters that the Commission has imposed restrictions on telecommunications carriers' legitimate business practices beyond what Congress intended in enacting Section 222 of the Communications Act. These parties have aptly demonstrated that: (1) there was no record evidence to support the Commission's conclusion that mobile handsets and information services delivered through handsets were outside the CMRS carrier-customer relationship; and (2) the customer approval provisions are not sufficient to remedy problems associated with the Commission's "win-back" prohibition for CMRS providers and beyond the scope of

³ See GTE Petition at 23-25.

Section 222.⁴ In addition, GTE has raised important questions regarding the competitive implications and consumer expectations relating to packaged service offerings.⁵

For these reasons, Dobson supports petitioners and commenters in urging the Commission to defer the effectiveness of Sections 64.2005(b)(1) and (b)(3) of its rules as applied to CMRS carriers, and to temporarily forbear from applying restrictions on the use of CPNI to market service package enhancements.

Respectfully submitted,

DOBSON CELLULAR SYSTEMS, INC.

A handwritten signature in black ink that reads "G. Edward Evans / com". The signature is stylized and cursive.

By: G. Edward Evans
President and Chief Operating Officer

13439 North Broadway Extension
Oklahoma City, OK 73114
(405) 391-8500

May 13, 1998

⁴ See, e.g., CTIA Petition at 13-14; AirTouch at 6-10; Bell Atlantic Mobile at 5-9; PrimeCo at 3-7.

⁵ See GTE Petition at 23-25.

CERTIFICATE OF SERVICE

I, Loretta B. Rias, hereby certify that I have on this 13th day of May, 1998 caused a copy of the foregoing Reply Comments to be served by first class U.S. mail, postage prepaid, to the following:

The Honorable William E. Kennard*
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable Harold Furchtgott-Roth*
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Susan Ness*
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Michael Powell*
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

The Honorable Gloria Tristani*
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Daniel Phythyon, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Rosalind K. Allen*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Jeanine Poltronieri*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

A. Richard Metzger, Jr.*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 712
Washington, D.C. 20554

Janice M. Myles*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20554

Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

John F. Raposa
GTE Service Corp.
600 Hidden Ridge, HQE03J27
Irving, TX 75038

Gail L. Polivy
GTE Service Corp.
1850 M Street, N.W.
Washington, D.C. 20036

R. Michael Senkowski
Michael Yourshaw
Gregory J. Vogt
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

International Transcription Services*
1231 20th Street, N.W.
Washington, D.C. 20036

Joseph R. Assenzo, General Attorney
Attorney for Sprint Spectrum L.P.
d/b/a Sprint PCS
4900 Main Street, 12th Floor
Kansas City, MO 64112

Frank W. Krogh
Mary L. Brown
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

S. Mark Tuller
Vice President, Secretary and General
Counsel
Bell Atlantic Mobile, Inc.
180 Washington Valley Road
Bedminster, NJ 07921

John T. Scott, III
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Peter M. Connolly
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

James J. Halpert
Mark J. O'Connor
Piper & Marbury LLP
Seventh Floor
1200 19th Street, N.W.
Washington, D.C. 20036

Robert Hoggarth
Senior Vice President, Paging and
Messaging
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314

Raymond G. Bender, Jr.
J.G. Harrington
Kelli Jareaux
Dow, Lohnes & Albertson, PLLC
Suite 800
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Cheryl A. Tritt
James A. Casey
Morrison & Foerster LLP
Suite 5500
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Mary McDermott
Linda Kent
Keith Townsend
Lawrence E. Sarjeant
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Kathryn Marie Krause
U S WEST Communications, Inc.
Suite 700
1020 - 19th Street, N.W.
Washington, D.C. 20036

Mark C. Rosenblum
Judy Sello
AT&T Corp.
Room 324511
295 North Maple Avenue
Basking Ridge, NJ 07920

Michael S. Pabian
Counsel for Ameritech
Room 4H82
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

R. Michael Senkowski
Michael Yourshaw
Gregory J. Vogt
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
Irving, TX 75038

Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W.
Washington, D.C. 20036

Stephen G. Kraskin
Sylvia Less
March E. Greenstein
Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Lawrence W. Katz
Attorney for the Bell Atlantic Telephone
Companies
Eight Floor
1320 North Court House Road
Arlington, VA 22201

M. Robert Sutherland
A. Kirven Gilvert III
BellSouth Corporation
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309


L. Marie Guillory
Jill Canfield
National Telephone Cooperative Association
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Glenn S. Rabin
ALLTEL Corporate Services, Inc.
Suite 220
655 15th Street, N.W.
Washington, D.C. 20005

Robert M. Lynch
Durward D. Dupre
Michael J. Zpevak
Robert J. Gryzmala
SBC Communications Inc.
One Bell Center, Room 3532
St. Louis, MO 63101

William L. Roughton, Jr.
Associate General Counsel
PrimeCo Personal Communications, LP
601 - 13th Street, N.W., Suite 320 South
Washington, D.C. 20005

Pamela J. Riley
David A. Gross
AirTouch Communications, Inc.
1818 N Street, N.W., Suite 800
Washington, D.C. 20036



Loretta B. Rias

*By Hand